

Notice of Allowability

Application No.

09/844,475

Examiner

Mary Cheung

Applicant(s)

HILLEGASS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 4/1/2005.
2. ☒ The allowed claim(s) is/are 1-14, 41-43 and 45-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/27/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Daniel Tysver on September 9, 2005.
3. The application has been amended as follows:
 - Claims 15-40 have been canceled.
 - In the last line of claim 41, the phrase "identifiers." has been changed to read:
--identifiers;
e) software program stored on the user computer containing an algorithm that compares the product ID in the product with the product ID in the product license, and that compares the user ID in the product license with the user ID in the user license.--
 - Claim 44 has been canceled.
 - In line 1 of claim 45, the number "44" has been changed to read --41--.

Allowable Subject Matter

4. As by the examiner's amendment as shown above, the status of claims is: claims 1-14, 41-43 and 45-47 are pending; and all the pending claims are allowed.
5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Colosso (U. S. Patent 6,169,976) teaches a customer buys a licensed product from a distributor. The distributor registers information describing the customer, the licensed product, and other information about the transaction at a database maintained by the licensor, manufacturer, or developer of the licensed product. The licensor communicates information describing the transaction to the customer, and the distributor ships media containing the licensed product to the customer. The customer connects to the database through a server and requests the licensed product to be activated, providing information that describes the transaction in its request. In response, the server of the licensor generates encrypted key information that uniquely identifies the customer, the licensed product, and a license level or other information about the maximum permitted extent of use of the licensed product. The customer installs the licensed product and provides the key information during the installation process. The licensed product is then executed and the appropriate license level is enforced based on the key information.

In regarding to independent claims 1, 12, 41 and 46, Colosso taken either individually or in combination with other prior art of record fails to teach or suggest verifying a user is licensed to access digital content within a content file comprising: comparing the product ID from the content file stored on a user computer with the product ID found in a product license stored on the user computer, and comparing the user ID from the product license with the user ID found in a user license stored on the user computer.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamadani et al. (U. S. Patent 5,742,757) discloses automatic software license manager.

Article titled "ID-Trak™ Enterprise Offers Scalable, Realtime Defenses for Distributed Intranets, Extranets and Internet Sites" (PR Newswire, p0323, October 13, 1998).

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
(571) 273-6705 (Draft Communications)

Mary Cheung
Primary Examiner
Art Unit 3621
September 12, 2005

MARY D. CHEUNG
PRIMARY EXAMINER

